

Patent

Attorney Docket No.: 2207/11665

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Lauge S. SORENSEN
SERIAL NO. : 09/887,070
FILED : June 25, 2001
FOR : METHOD AND APPARATUS FOR MOVING HTML/XML
INFORMATION INTO A HTTP HEADER IN A NETWORK
GROUP ART UNIT : 2454
EXAMINER : Dustin NGUYEN

M/S: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

APPEAL BRIEF

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on January 28, 2010.

1. REAL PARTY IN INTEREST

The real party in interest in this matter is Intel Corporation. (Recorded June 25, 2001; Reel/Frame 011930 / 0197).

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals.

3. STATUS OF THE CLAIMS

Claims 3-4, 6-9, 11-16, 18 and 20-28 are pending, rejected and on appeal. Claims 1-2, 5, 10, 17, and 19 were previously cancelled without prejudice or disclaimer. No claims are withdrawn, objected to, or allowed.

No amendments to the claims were made after the Final Office Action dated November 3, 2009.

The claims in their current form (including those claims under appeal) are presented in The Appendix – Section 8 – Claims on Appeal.

4. STATUS OF AMENDMENTS

The claims listed on page A-1 of the Appendix attached to this Appeal Brief reflects the present status of the claims.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

This invention relates to network packets, and more specifically to incorporation of

information in the content of a packet into the header of the packet.

The embodiment of independent claim 21 generally describes a method for controlling content of a Hyper Text Transfer Protocol (HTTP) header comprising: creating HTML or XML content by a developer (*see e.g.*, page 8, lines 19-20 – Figure 2, S1), inserting information into the content by the developer (*see e.g.*, page 8, lines 21 – Figure 2, S3), the inserted information having a set of associated identifiers (*see e.g.*, page 8, lines 22 – Figure 2, S4), searching the content for the set of associated identifiers (*see e.g.*, page 8, lines 22 – Figure 2, S4) and selecting header information corresponding to a subset of the set of associated identifiers (*see e.g.*, page 8, lines 22-23 – Figure 2, S5), the subset selected based on a detected network condition (*see e.g.*, page 5, lines 14-18), and generating a HTTP header for the content (*see e.g.*, page 8, lines 23-24 – Figure 2, S6), the generated HTTP header including the selected header information (*see e.g.*, page 8, lines 21 – Figure 2, S3), wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content (*see e.g.*, page 4, lines 21-24).

The embodiment of independent claim 22 generally describes an apparatus comprising: an interface to be coupled to at least one network device (*see e.g.*, page 7, lines 16-28 – Figure 1, 16), the interface receiving HTML or XML content, the content having information inserted into it by a developer of the content (*see e.g.*, page 8, lines 19-20 – Figure 2, S1), the inserted information having a set of associated identifiers (*see e.g.*, page 8, lines 21 – Figure 2, S3), a network appliance (*see e.g.*, page 7, lines 16-28 – Figure 1, 16), the network appliance searching the content for the set of associated identifiers and generating a HTTP header for the content (*see e.g.*, page 8, lines 22 – Figure 2, S4), the generated HTTP header including information

associated with a subset of the set of associated identifiers (*see e.g.*, page 8, lines 23-24 – Figure 2, S6), the subset selected based on a detected network condition (*see e.g.*, page 5, lines 14-18), and, a second interface to a network (*see e.g.*, page 7, lines 16-28 – Figure 1, 16), the HTTP header and associated content being sent across the second interface to at least one network node (*see e.g.*, page 7, lines 16-28 – Figure 1, 20-26), wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content (*see e.g.*, page 4, lines 21-24).

The embodiment of independent claim 23 generally describes a machine-readable medium, the machine-readable medium having stored thereon a plurality instructions to be executed by a processor, the instructions which, when executed, configure the processor to implement a method comprising: receiving HTML or XML content, the content having information inserted into it by a developer of the content (*see e.g.*, page 8, lines 21 – Figure 2, S3), the inserted information having a set of associated identifiers (*see e.g.*, page 8, lines 22 – Figure 2, S4), searching the content for the associated identifiers and selecting header information corresponding to a subset of the associated identifiers (*see e.g.*, page 8, lines 22 – Figure 2, S4), the subset selected based on a detected network condition (*see e.g.*, page 5, lines 14-18), and generating a HTTP header for the content, the generated HTTP header including the selected header information (*see e.g.*, page 8, lines 21 – Figure 2, S3), wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content (*see e.g.*, page 4, lines 21-24).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Are claims 3-4, 6-7, 11-16, 18 and 20-28 rendered obvious under 35 U.S.C. § 103(a) over Lindhorst et al., (hereinafter “Lindhorst”), US Pat. No. 6,889,379, in view of Doyle et al., (hereinafter “Doyle”), US Pat. No. 6,839,700?

B. Are claims 8 and 9 rendered obvious under 35 U.S.C. § 103(a) over Lindhorst, in view of Doyle, and further in view of Masters, US Pat. No. 6,374,300?

7. ARGUMENT

A. Claims 3-4, 6-7, 11-16, 18 are not rendered obvious over Lindhorst in view of Doyle.

Applicants submit the cited references fail to teach or suggest at least a method for controlling content of a Hyper Text Transfer Protocol (HTTP) header comprising searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and generating a HTTP header for the content, wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content. (*e.g.*, as described in claim 21).

First, Applicants agree with the Examiner’s indication Lindhorst fails to disclose at least searching the content for the set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, the subset selected based on a detected network condition, and, generating a HTTP header for the content, the generated HTTP header including the selected header information (as recited in claim 21). To make up for the

deficiencies of Lindhorst, the Examiner cites to the Figure 8B, Abstract, column 2, lines 14-23, and column 8, 19-41 of Doyle. *See* Office Action dated 11/3/2009, paragraph 9. Applicants respectfully disagree and submit the cited sections fail to support a proper rejection of claim 21.

The Abstract describes that Doyle is directed to performing load balancing of content requests using information regarding the cost of dynamically creating requested document content. Cost metrics are gathered by a server and provided to a load balancing host. *See* also Summary of the Invention, column 2, lines 20-23. The Abstract does not address the relevant limitations of claim 21 discussed above.

Column 2, lines 14-23 is directed to the “object[s]” of Doyle, which include providing improved load balancing techniques that efficiently route requests for dynamic content generation and consider cost metrics when determining routing of content requests. Also, for example, column 2, line 56-column 3, line 4 describe utilizing metadata and cookies to obtain the cost metric information described above. However, similar to the Abstract discussed above, the cited reference fails to describe the relevant limitations of claim 21 discussed above; specifically, it fails to teach or suggest at least searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers. Moreover, the cited section does not address utilizing HTTP header information relating to routing, displaying, storing, modifying, encryption, and decryption of the content at all. The cited section column 2, lines 32-39 merely summarizes the above-discussed subject matter, and therefore fails to teach or suggest the relevant limitations as well.

To supplement the rejection, the Examiner cites to the extensive section of column 8, line 3 – column 9, line 56. This sections fails to teach or suggest the relevant limitations as well. For

example, the cited section column 8, lines 19-41 state (describing cited Fig. 8A):

Use of the HTTP header syntax, as illustrated in FIG. 8A, enables cost metrics for any type of content object to be transmitted using a single metric syntax. Assuming that an HTTP GET request such as "GET http://www.abc.xxx/doc.servlet HTTP/1.1" is received at the load balancing host, the response header shown in FIG. 8A indicates the following information: (1) the status is "OK" (see element 805); (2) this is a response message (see element 810); and (3) the generation cost of this response was, for this example, 300 units (see element 815). The "GenerationCost" header shown at 815 is an example of the header syntax that the content servers generate, and that the load balancing host searches for in metric information created by those servers, according to the present invention. Alternatively, other names for this header might be used, or individual headers might be used to separately convey factors which together comprise the overall cost (such as a header for the disk access, a header for the CPU time, and so forth). In this latter case, the load balancing host may store these values separately, or might sum them and store the result.

The cited section describes the use of the above-discussed cost metrics. Upon receiving a request from a user, a load-balancing host generates a response header that includes various information, including response generation cost information. For example, the "GenerationCost" header syntax is generated by the content server, and accordingly a load balancing host searches the header syntax for metric information created by the content server. Indeed, the extensive section of column 8, line 3-column 9, line 56 merely describes similar formats that allegedly may be used for conveying the above-discussed metadata within, for example, response messages.

See also e.g., column 5, lines 21-38.

However, Applicants submit the tasks performed by a content server to which a request is sent and a load balancing host is not the same as searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and, generating a HTTP header for the content (e.g., as described in claim 21). Moreover, similar to the section discussed above, this section fails to address

utilizing header information relating to routing, displaying, storing, modifying, encryption, and decryption of the content at all. As the current rejection fails to address the limitations of claim 21 as claimed, and as the cited references fail to teach or suggest at least these relevant limitations, Applicants submit the rejection of claim 21 is lacking and should be withdrawn.

B. Claims 8 and 9 rejected under 35 U.S.C. § 103(a) are not unpatentable over Lindhorst, in view of Doyle, and further in view of Masters, US Pat. No. 6,374,300.

Masters fails to make up for the deficiencies of Lindhorst and Doyle. Masters is directed to inserting and examining cookies in the data streams of HTTP connections for the purpose of persistently directing HTTP connections to the same destination. However, inserting and examining cookies in a data stream for the purpose of persistently directing HTTP connection to the same destination is not the same as searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and, generating a HTTP header for the content. Applicants submit the Masters references as a whole fails to teach or suggest the relevant limitations discussed above.

CONCLUSION

Accordingly, since none of the cited references teach or suggest at least the above-discussed relevant limitations of claim 21, Applicants submit the § 103 rejection of claim 21 should be withdrawn. Applicants further submit independent claim 21 is allowable, and claims 22 and 23, containing similar limitations, are allowable as well. Dependent claims 3, 4, 6, 8, 9, 11-16, 18, 20, and 24-28 are allowable as depending from allowable independent claims.

Application No.: 09/887,070
Date: March 29, 2010
APPEAL BRIEF – PATENTS

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Appellants therefore respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting claims 3-4, 6-9, 11-16, 18 and 20-28 and direct the Examiner to pass the case to issue.

The Examiner is hereby authorized to charge any additional fees which may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON LLP

Date: March 29, 2010

By: /Sumit Bhattacharya/
Sumit Bhattacharya
(Reg. No. 51,469)

KENYON & KENYON LLP
333 West San Carlos St., Suite 600
San Jose, CA 95110

Telephone: (408) 975-7500
Facsimile: (408) 975-7501

APPENDIX

(Brief of Appellants Lauge S. SORENSEN
U.S. Patent Application Serial No. 09/887,070)

8. CLAIMS ON APPEAL

The claims in their current form (including those claims under appeal) are presented below:

1-2 (Cancelled).

3. (Previously Presented) The method according to claim 21, wherein the HTML or XML content is created at a web server.

4. (Previously Presented) The method according to claim 21, wherein the content comprises at least one web page.

5. (Cancelled).

6. (Previously Presented) The method according to claim 21, wherein the identifiers comprise at least one of a Meta tag, a label, a tag, and a command.

7. (Previously Presented) The method according to claim 21, wherein the searching and generating are to be performed at a network node, the network node being at a different location than where the creating and inserting are performed.

8. (Original) The method according to claim 7, wherein the network node comprises a router.
9. (Original) The method according to claim 8, further comprising performing the searching and generating by a network appliance at the router.
10. (Cancelled).
11. (Previously Presented) The apparatus according to claim 22, wherein the at least one network device comprises a server.
12. (Previously Presented) The apparatus according to claim 22, wherein the information comprises Internet cache control information.
13. (Previously Presented) The apparatus according to claim 22, wherein the identifiers comprise at least one of a Meta tag, label, tag, and a command.
14. (Previously Presented) The apparatus according to claim 22, wherein the network comprises the Internet.
15. (Previously Presented) The apparatus according to claim 22, wherein the at least one network node comprises an Internet cache.

16. (Previously Presented) The apparatus according to claim 22, wherein the content comprises at least one web page.
17. (Cancelled).
18. (Previously Presented) The machine-readable medium according to claim 23, wherein the content comprises at least one web page.
19. (Cancelled).
20. (Previously Presented) The machine-readable medium according to claim 23, wherein the identifiers comprise at least one of a Meta tag, label, tag, and a command.
21. (Previously Presented) A method for controlling content of a Hyper Text Transfer Protocol (HTTP) header comprising:
- creating HTML or XML content by a developer;
 - inserting information into the content by the developer, the inserted information having a set of associated identifiers;
 - searching the content for the set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, the subset selected based on a detected network condition; and,
 - generating a HTTP header for the content, the generated HTTP header including the

selected header information, wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content.

22. (Previously Presented) An apparatus comprising:

an interface to be coupled to at least one network device, the interface receiving HTML or XML content, the content having information inserted into it by a developer of the content, the inserted information having a set of associated identifiers;

a network appliance, the network appliance searching the content for the set of associated identifiers and generating a HTTP header for the content, the generated HTTP header including information associated with a subset of the set of associated identifiers, the subset selected based on a detected network condition; and,

a second interface to a network, the HTTP header and associated content being sent across the second interface to at least one network node, wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content.

23. (Previously Presented) A machine-readable medium, the machine-readable medium having stored thereon a plurality instructions to be executed by a processor, the instructions which, when executed, configure the processor to implement a method comprising:

receiving HTML or XML content, the content having information inserted into it by a developer of the content, the inserted information having a set of associated identifiers;

searching the content for the associated identifiers and selecting header information

corresponding to a subset of the associated identifiers, the subset selected based on a detected network condition; and

generating a HTTP header for the content, the generated HTTP header including the selected header information, wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, encryption, and decryption of the content.

24. (Previously Presented) The method of claim 21, wherein the detected network condition includes network traffic.

25. (Previously Presented) The method of claim 21, wherein the detected network condition includes load balancing.

26. (Previously Presented) The method of claim 21, wherein the detected network condition includes network statistics.

27. (Previously Presented) The method of claim 21, wherein the detected network condition includes quality of service.

28. (Previously Presented) The method of claim 21, wherein the detected network condition includes a service level agreement.

9. EVIDENCE APPENDIX

No further evidence has been submitted with this Appeal Brief.

10. RELATED PROCEEDINGS APPENDIX

Per Section 2 above, there are no related proceedings to the present Appeal.